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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199879
Party	Defendant Stylistics Los Angeles Car Club, Inc.
Correspondence Address	CHRISTINIA S LOZA LOZA & LOZA LLP 305 NORTH SECOND AVENUE, 127 UPLAND, CA 91786 UNITED STATES tina-pto@lozaip.com, docketing@lozaip.com
Submission	Other Motions/Papers
Filer's Name	Christina S. Loza
Filer's e-mail	tina@lozaip.com
Signature	/Christina S. Loza/
Date	09/25/2012
Attachments	STYL-401 Exhibit A to Response to Request for Reconsideration.pdf (2 pages) (285310 bytes) STYL-401 Response to Request for Reconsideration 9-25.12 - FINAL.pdf (4 pages) (21644 bytes)

EXHIBIT A



Wolk Levine & Trotter, LLP

Respond to Glendale Office

Yulia Hidalgo
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August 28, 2012

Glendale, CA Office

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Via mail and email

Christina Loza
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Upland, CA 91786-6064
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Re: Stylistics Los Angeles Car Club, Inc. / Jorge Ramirez

Dear Ms. Loza:

We have attempted to serve the above referenced parties with a summons and complaint in Federal Court. If you still represent these parties, please let me know as soon as possible if you will accept service on their behalf and I will prepare and send the necessary paperwork.

Very truly yours

Wolk Levine & Trotter, LLP


Yulia Hidalgo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD

Gilbert Lerma Jr., d/b/a Stylistics Car Club,

Opposer,

v.

Stylistics Los Angeles Car Club, Inc., a
California Corporation

Applicant.

Opposition No. 91199879

Mark: STYLISTICS LOS ANGELES

Serial No.: 76/700,391

Filed: November 16, 2009

Published: April 19, 2011

RESPONSE TO OPPOSER'S REQUEST FOR RECONSIDERATION

Pursuant to TBMP §543 and 37 CFR §2.127(b), while a response to Opposer's Request for Reconsideration is not required, the Registrant is hereby responding within the 15 days from the TTAB's date of service on September 11, 2012. With that in mind, a request for reconsideration must be filed within one month from the date of an order or decision. See 37 CFR 2.127(b). Applicant's Motion to Dismiss was filed on May 21, 2012; no response was filed by Opposer. Two months later on July 16, 2012 the Board dismissed the Opposition with prejudice and the mark registered on August 21, 2012.

While Opposer's Request was purportedly filed on August 8, 2012, it was not received or entered into TTABVUE until September 11, 2012. This Request has not been timely filed and reconsidering at this late date would severely prejudice the client who has already received a registration and a decision that the Opposition has been dismissed *with prejudice*. The Opposer essentially checked out of this Opposition in May, failed to file any response to the Motion to Dismiss, and then the TTAB correctly decided to grant the motion for involuntary dismissal

because the Opposer had failed to take testimony or prosecute the Opposition diligently.

With that in mind, it seems appropriate to respond to Mr. Lerma's assertion of inadequate representation of counsel. On the one hand, Mr. Lerma argues that the attorney "ruined things" but the attorney is still listed as counsel of record in this case. No Request for Withdrawal has been filed in this Opposition. As counsel of record, Mr. Levine is well aware of the deadlines required in these cases, the rules of filing before the TTAB, and the rules related to proof of service. The Opposer cannot write a note asking for mercy for his attorneys who are still considered counsel of record. Moreover, Mr. Zachary Levine is *currently* representing Mr. Lerma in Federal Court and has been attempting to serve Stylistics Los Angeles Car Club, Inc. in that matter. In fact, on August 28, 2012, our office received a letter from Ms. Yulia Hidalgo, a paralegal working with Mr. Zachary Levine at Wolk, Levine & Trotter, LLP regarding service. See Exhibit A.

In other words, Mr. Lerma argues on August 8, 2012 that his attorneys are not following proper procedures and are not appropriately representing him but on August 28, 2012 these same attorneys are still actively representing Opposer and contacting our offices attempting to serve on the Registrant a Complaint filed in Federal Court. Mr. Lerma cannot have it both ways – he cannot wave the flag of inadequate representation to gain reconsideration in this dismissed Opposition and then use that same attorney to continue to represent him in this Opposition and in Federal Court. Apparently, Mr. Levine continues to actively represent Mr. Lerma despite his laments of ruined chances.

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In light of Opposer's extremely untimely Request and Mr. Lerma's inaccurate representations regarding his relationship with his attorney, Registrant requests that this request to reconsider be denied. Once the Opposition was dismissed and the mark registered, Opposer's Request ceased to be appropriate and should not be considered.

Respectfully submitted,



Dated: September 25, 2012

By: _____

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Attorney for Applicant,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **RESPONSE TO OPPOSER'S REQUEST
FOR RECONSIDERATION** was e-mailed on September 25, 2012 to

Zachary Levine, Esq.
zjl@wltlawyers.com



Christina S. Loza